IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.44 OF 2004

Mr.Chandrahas P. Shetty
and Anr. ...Petitioners.
Versus
The State of Maharashtra
and Anr. ...Respondents.

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Mr.A.M.Saraogi, Advocate for the Petitioners.
Mr.S.V.More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : AUGUST 16, 2006.

P.C.:

1. Heard Mr.Sarogi, learned Counsel for the petitioners and Mr.More learned APP for the State.

2. The petitioners had preferred an application for granting licence to run the business of Video Games Parlour. The said application came to be rejected by order dated 12.11.2003 by the Commissioner of Police, Navi Mumbai. Being aggrieved by the said order, the petitioners preferred an Appeal before the State Government. The said Appeal came to be rejected by order dated 7.1.2004. Being aggrieved by these orders, the petitioners have preferred the present

Writ Petition.

3. Mr.Sarogi learned Counsel for the petitioners points out that as far as the order dated 12.11.2003 passed by the Commissioner of Police, Navi Mumbai is concerned, no reasons have been given for rejecting the application of the petitioners. Mr.Sarogi further submitted that as far as the order dated 7.1.2004 passed by the Appellate Authority is concerned, only vague reasons have been given for rejecting the application of the petitioners. The said reasons are that it would affect law and public order as well as there would be obstruction, nuisance and danger to the residents of that area.

4. Mr.Sarogi has submitted that the petitioners intend to carry out Video Parlour business at Shop No.4, City Square Plot No.95, Sector-7, Kopar Khairne, Navi Mumbai. Mr.Sarogi has pointed out that in the very same area, just about 20ft. and 30ft. away from the place where the petitioners intend to run the Video Parlour,

there are two other Video Parlours. The said parlours are Bhawani Video Parlour and Shabri Video Parlour. Mr.Sarogi submitted that these Video Parlours are situated very close to the place where the petitioners intend to run their Video Parlour. In such circumstances,if licence is granted to two video parlours i.e. Bhawani & Shabri video parlours, there should be no objection for granting licence to the petitioners for video parlour. Mr.Sarogi further submitted that this aspect has not been taken into consideration by the first authority as well as the appellate authority while rejecting the application of the petitioners for granting licence to run video parlour.

5. I find much merit in the submission made by Mr.Sarogi, hence the orders dated 12.11.2003 and 7.1.2004 are set-aside. The authorities concerned shall consider the application of the petitioners for grant of licence to run video parlour afresh, and also take into consideration the fact that there are two other video parlours running almost

20 ft. to 30 ft. away from the place where the petitioners intend to carry out their business. The concerned authority to take a decision on the application of the petitioners within six weeks from the date of communication of this order. Mr.Sarogi undertakes to communicate this order to the concerned authority.

6. Writ Petition is disposed of.

(SMT.V.K.TAHILRAMANI,J.)